

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**DARRELL W. HEARD,**

**Plaintiff,**

**v.**

**TONY PARKER, Commissioner of  
T.D.O.C., *et al.*,**

**Defendants.**

**Case No. 3:17cv-01248  
Judge Aleta A. Trauger**

**ORDER**

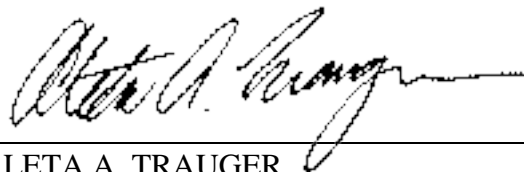
Before the court are plaintiff Darrell Heard's Objections (Doc. No. 54) to the magistrate judge's Report and Recommendation ("R&R") (Doc. No. 56) recommending that the Motion to Dismiss (Doc. No. 37) filed by defendants Centurion of Tennessee, LLC and Hau La, M.D. be granted.

For the reasons set forth in the accompanying Memorandum, the court **ACCEPTS IN PART AND REJECTS IN PART** the R&R. The court finds that the Complaint states a colorable claim of deliberate indifference against defendant Dr. La that is not barred by the statute of limitations, but it fails to state a colorable claim against defendant Centurion. The Motion to Dismiss is therefore **GRANTED IN PART AND DENIED IN PART**. The deliberate indifference claim against Dr. Hau La premised upon the gross over-prescription of steroids to the plaintiff will be permitted to proceed. All other claims against Dr. La, including claims governed by the Tennessee Health Care Liability Act, are **DISMISSED**, and all claims against Centurion are **DISMISSED**.

The reference to the magistrate judge is hereby VACATED. The Clerk shall issue Judge Trauger's standard notice, setting this case for an initial case management conference before her on Thursday, January 17, 2019 at 1:15 p.m.

It is so **ORDERED**.

ENTER this 6<sup>th</sup> day of December 2018.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', is written over a horizontal line.

ALETA A. TRAUGER  
United States District Judge